

MINUTES

EAGLE MOUNTAIN CITY COUNCIL MEETING

July 21, 2015

Work Session 5:00 p.m. Policy Session 7:00 p.m.

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

5:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Mayor Chris Pengra, Councilmembers Adam Bradley, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. Donna Burnham participated by telephone.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; David Norman, Public Works Director; Jeff Weber, Assistant Public Works Director; Chris Trusty, City Engineer; Steve Mumford, Planning Director; Linda Peterson, Public Information Director; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

Mayor Pengra called the meeting to order at 4:07 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information only and do not require action by the City Council.
 - A. PRESENTATION – Eagle Mountain Arts Alliance Board of Directors
2. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.

10. Glenmar Rezone

City Planner Mike Hadley stated that the proposed Glenmar residential development is on 16 acres at the north end of Lake Mountain Road, which are currently zoned Agricultural. While it meets the general criteria for a rezone, there is a concern that it will create more traffic than Lake Mountain Road is designed to support. Lake Mountain is an unpaved, rural residential road.

Interplan, the company working on the City's master transportation plan, reviewed Lake Mountain Road based on 2014 figures and the 2040 State transportation plan. If the road were paved and made a minor collector, the use would increase dramatically, to about 1,900 trips per day. Once Airport Road came into use, the traffic on Lake Mountain would decrease back to residential levels, about 160 per day. Current use is about 90 per day, based on Interplan's modeling.

Mayor Pengra stated that he and Planning Director Steve Mumford met with the residents of Lake Mountain Road and the developers who want to develop land along the road. They discussed how to mitigate effects of development as it inevitably comes. This meeting will be followed by a meeting with Mr. Mumford, City Engineer Chris Trusty and Interplan.

Three options were discussed in the meeting. Option 1: Close the road off with a gate, allowing only residents and fire personnel. Option 2: Install traffic calming measures. Option 3: Create a mandatory left turn from Lake Mountain Road to Bobby Wren Blvd.

Councilmember Bradley asked what Interplan's recommendation was. Mayor Pengra said they didn't make a recommendation. They simply identified the impacts of using Lake Mountain Road

as a collector. Mayor Pengra felt that if traffic isn't diverted away from Lake Mountain Road, it will become like Redwood Road. Airport Road, which was planned to be a collector, won't be developed for years.

Councilmember Bradley didn't feel that a decision should be made about the future of Lake Mountain Road without an approved master transportation plan in place.

Councilmember Steinkopf asked if Bobby Wren Blvd. will be able to handle additional traffic. Mr. Hadley responded that the road will need to be completed before development comes in. At the moment, only half the width is constructed and it's only paved halfway to Lake Mountain Road. Mayor Pengra noted that it is an upcoming project on the Capital Facilities Plan.

Councilmember Steinkopf said it would take more time to work out the correct decision for Lake Mountain Road.

Councilmember Burnham asked what Interplan based its traffic projections on. Mr. Hadley said he wasn't sure how they set up the model. Councilmember Burnham suggested that the Council hold a joint meeting with the Planning Commission and Interplan.

Councilmember Westmoreland stated that there are two issues: highest and best use of the land and traffic flow on Lake Mountain Road. The traffic issue must be resolved before the land use issue can be addressed.

11. Consolidated Fee Schedule

City Attorney Jeremy Cook explained that this is the next step in the City taking over the White Hills sewer system. The only actual change to the fee schedule is to adopt fees for the West Service Area (WSA), which encompasses White Hills.

Discussion ensued on the details of each of the sewer charges. City Administrator Ifo Pili said he would find the specific information during the break between meetings.

12. Unified Fire Authority Fee Waiver

Mr. Cook stated that, in the process of selling Fire Station #1 to the Unified Fire Authority (UFA), it was found that the fire station has problems with black mold. This fee waiver was negotiated in order to move the sale forward without a delay. The proposed resolution waives any building, inspection and impact fees associated with any repairs or reconstruction or temporary facilities associated with Fire Station #1.

Mayor Pengra explained that the living quarters of the station will be demolished, the basement will be filled in and portable units will be brought in as living quarters. This will be a temporary solution until UFA can bond for a new fire station.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

MOTION: *Councilmember Burnham moved to adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code,*

Annotated. Councilmember Steinkopf seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.

The meeting was adjourned at 6:13 p.m.

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Mayor Chris Pengra, Councilmembers Adam Bradley, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. Donna Burnham participated by telephone.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; David Norman, Public Works Director; Jeff Weber, Assistant Public Works Director; Chris Trusty, City Engineer; Steve Mumford, Planning Director; Linda Peterson, Public Information Director; Ross Fowlks, Fire Chief; Eric McDowell, Sheriff's Deputy.

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:16 p.m.

5. PLEDGE OF ALLEGIANCE

Mayor Pengra led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **Fireworks Restrictions** – Some areas of the City have fireworks restrictions. Information and a map are available on the city website, News section. For those in restricted areas, legal fireworks are allowed on asphalt parking areas in the following city parks – Smith Ranch, SilverLake Amphitheater, and Pony Express. Please use water on site to extinguish fireworks and dispose in garbage cans provided.
- **City Offices Closed** – The City offices and library will be closed on Thursday, July 23 and Friday, July 24 in observance of the Pioneer Day holiday. The library will also be closed Saturday, July 25.
- **Primary Election** – A primary election will be held on August 11 for three open seats for 4-year City Councilmember terms. There are currently 10 candidates. Candidate and election information is available on the City website at eaglemountaincity.com/election. Early voting will be held at City Hall July 28-August 7 with the following schedule: Tuesday, 8:00 a.m. to noon. Monday, Wednesday, Thursday, and Friday, 1:00 p.m. to 5:00 p.m. All persons properly registered will be eligible to vote. For more information please contact the City Recorder's Office.
- **Beat the Heat Bonanza** – Bring the kids Saturday, August 1 from 11:00 a.m. to 4:00 p.m. at Nolan Park to cool off with free inflatable waterslides. Parents will need to sign a waiver, which will be posted soon on the City website. Kona Ice will be available for purchase.
- **Public Comment for Proposed Shooting Range** – The Bureau of Land Management is taking public comments on a proposed shooting range in the Lake Mountains through August 28. Information and a link to provide comments are available on the City website, News

section. On August 4 at the golf course in Saratoga Springs, there will be a public outreach event. Residents can provide feedback there, as well.

7. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments.

Daniel Kroll, a resident of SilverLake, said he was told at the time he moved in that there would be a park in his neighborhood. The park site is now being filled by townhomes and the park is being built in a newer neighborhood. He and his neighbors feel that their home values have been damaged by the change and they want to know if anything can be done.

Mayor Pengra said that he's heard from several of Mr. Kroll's neighbors. He would be happy to meet with them.

Bruno Hunziker, a resident of White Hills, requested picnic tables for the park in White Hills. He said he's spoken to Recreation Director Brad Hickman, who said there are some tables available. Mr. Hunziker's main concern was the dust from the two crushers operating near Wride Highway. He wanted to know what the City can do about the air pollution they are causing. Mayor Pengra said he would call the business owner; and the Air Quality Board if necessary.

Wendy Baggaley spoke against the local option transportation tax being considered by Utah County. She encouraged the Mayor and Council to object to it. She said that 40% of the money raised will go to the Utah Transit Authority (UTA). She doesn't want to contribute money to an organization that is not transparent and gives its executives excessive bonuses.

Councilmember Bradley said that he is also against the local option tax, because of the money that will go to UTA. Eagle Mountain benefits very little from UTA. Councilmember Westmoreland agreed. Mayor Pengra stated that he attends regional transportation meetings through the Mountainland Association of Governments. He supports the tax, but doesn't present that to the County Commission as a City position because the Council doesn't support it. He doesn't like the UTA component. However, as he watched the bill go through the Legislature, he saw that if it doesn't get on the ballot, it won't be taken up again by the Legislature.

8. CITY COUNCIL/MAYOR'S ITEMS – Time has been set aside for the City Council and Mayor to make comments.

Councilmember Steinkopf

Councilmember Steinkopf reminded the audience of the primary election on August 11. There will be a Meet the Candidates night on August 5. He asked everyone to encourage their neighbors to register to vote.

Councilmember Burnham

Councilmember Burnham encouraged everyone to register to vote. She thanked City Recorder Fionnuala Kofoed for enabling her to participate in this meeting by phone.

Councilmember Ireland

Councilmember Ireland appreciated everyone attending the meeting, and those who made public comments. He appreciates all the feedback he receives from residents.

Councilmember Westmoreland

Councilmember Westmoreland encouraged everyone to be involved as much as possible and to feel free to contact any of the Councilmembers and the candidates, to get to know City issues and their complexities.

Councilmember Bradley

Councilmember Bradley welcomed those attending the meeting and asked everyone be involved in the election. The Meet the Candidate night will be held at Frontier Middle School at 7:00 p.m. on August 5. He mentioned the Eagle Mountain Arts Alliance presentation during Work Session. They are a group of residents who see a need and are willing to bring a solution to that need. He thanked Mr. Hunziker for bringing up the issue of the crushers creating dust on Wride Highway. He's called the Sheriff's Office several times because the crushers operate past the allowed time in the evening.

Mayor Pengra

Mayor Pengra reported on the most recent Prison Relocation Commission (PRC) meeting. They met on July 16 to hear reports presented by the consultants. The site preparation costs were presented, giving the Eagle Mountain site the lowest cost, but still significantly higher than they previously estimated. The City's analysis is higher. Mayor Pengra will provide feedback to the PRC about the total cost, including operational expenses over the next fifty years. Transportation costs for prisoners will be enormous, as will vendor costs for everyone who serves the prison. They are estimated to be \$358M more than the next closest site under consideration, and over \$500M than if they construct a new prison on the current site in Draper.

CONSENT AGENDA

9. MINUTES

A. July 7, 2015 – Regular City Council Meeting

MOTION: *Councilmember Ireland moved to approve the Consent Agenda. Councilmember Westmoreland seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

PUBLIC HEARING

10. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Rezoning 16.17 Acres from Agriculture to Residential.

This item was presented by Senior Planner Mike Hadley. This is an applicant-proposed rezone of 16.17 acres from Agriculture to Residential. The owner is also proposing a preliminary plat of 11 lots, each larger than one acre. The property is located on the west side of Lake Mountain Road approximately ½ mile southeast of Pony Express Parkway and is known as the Glenmar development. Parcel Numbers: 58-040-0042, 58-040-0043.

Mayor Pengra said the north end of Lake Mountain Road would be paved to the end of the development. The issue is that Lake Mountain Road runs from Pony Express Parkway to Eagle Mountain Blvd. It would become a *de facto* collector road; it was designed to be an unpaved, rural

residential road. The challenge is to find a way to mitigate the impact to residents now living along the road. Lake Mountain needs to be protected from developing into a situation similar to Redwood Road, which began as a residential road, became a large road and pushed out some of the homeowners.

Airport Road is planned as a future collector road from City Center to Wride Highway, but isn't planned for construction for quite a while. One option is to divert traffic from Lake Mountain Road to Bobby Wren Blvd.

Mayor Pengra opened the public hearing at 7:52 p.m.

Ken Olsen, who owns land near Lake Mountain Road, said that large developments of smaller lots have already been approved adjacent to his land and to the land proposed for the Glenmar development. He was planning to develop his land into one-acre lots, the same as the Smiths are planning. One-acre lots would allow for clustering, which opens up room for more open space. He supported the rezone.

Elise Erler represented SITLA, which owns a large tract of land west of the Smiths' property. SITLA has an approved development plan. The requested rezone is a reasonable and compatible land use adjacent to the SITLA property.

Marianne Smith, the applicant, requested approval of the rezone. The Planning Commission recommended Council approval. The traffic issues may soon be solved with the paving of Bobby Wren Blvd. Eagle Mountain is growing rapidly. Many families want larger properties, and one-acre lots are reasonably affordable. She felt that one-acre or larger lots will be the best use of the land. She requested that the Council table the item if they feel they need more information or discussion.

Mayor Pengra read an email from Jody Hooley, who was unable to attend the meeting. She felt the project should be tabled. She didn't feel a decision should be made until the traffic issue is solved. She didn't feel limiting development to five-acre lots is unfair to landowners. Buying land for development doesn't mean the land can be developed the way the owner wants to. She thinks some items in the Development Code should be changed to make land use decisions less subjective. She thought that septic systems should only be allowed in lots that are five acres or larger.

Mayor Pengra closed the public hearing at 8:03 p.m.

Councilmember Bradley stated that this is a difficult decision, as the road is zoned Rural Residential, which doesn't allow one-acre lots. If the City wants to retain Rural Residential zoning on the road, the vote is no. If it's accepting smaller-lot development as inevitable, the vote is yes, which makes the road busier. He said the City needs an approved master transportation plan first.

MOTION: *Councilmember Bradley moved to table an Ordinance of Eagle Mountain City, Utah, rezoning 16.17 acres from Agriculture to Residential. Councilmember Westmoreland seconded the motion.*

Councilmember Bradley asked what notice is required to bring the item back. Ms. Kofoed said it requires a ten-day notice prior to the meeting in which it will be reconsidered.

Mayor Pengra said the master transportation plan has been completed, and will be presented to the Council as soon as one more study is done. He didn't want to present the plan yet, in case the outcome of the study requires any changes to the plan.

Discussion ensued on the master transportation plan and the proposed rezone.

Those voting yes: Adam Bradley, Donna Burnham, Richard Steinkopf and Tom Westmoreland. Those voting no: Ryan Ireland. The motion passed with a vote of 4:1.

11. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Consolidated Fee Schedule.

This item was presented by City Attorney Jeremy Cook. The proposed resolution adopts the West Service Area (WSA) sewer fee and a grant reimbursement fee for the operations of the White Hills sewer system. The sewer line was upgraded to City standards using a loan and grant from the State Water Quality Board. The fee has been discussed and negotiated to be as close as possible to the South Service Area fee. The discussion in Work Session was limited by the absence of Finance Director Paul Jerome. The item could be tabled until the next meeting, when Mr. Jerome will be available to explain the fee structure in detail.

MOTION: ***Councilmember Ireland moved to table to the next City Council meeting a Resolution of Eagle Mountain City, Utah, amending the Eagle Mountain City Consolidated Fee Schedule. Councilmember Bradley seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.***

12. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Approving a Fee Waiver for the Unified Fire Authority.

This item was presented by City Attorney Jeremy Cook. Prior to finalizing the sale of Fire Station #1 to the Unified Fire Authority (UFA), the parties discovered that portions of the building would likely need to be remodeled or rebuilt because of mold issues. The proposed resolution waives any building, inspection and impact fees associate with any repairs or reconstruction or temporary facilities associated with Fire Station #1. The fees being waived amount to approximately \$4,000.

MOTION: ***Councilmember Ireland moved to adopt a Resolution of Eagle Mountain City, Utah, approving a waiver of all fees for the remodel of Fire Station #1 for the Unified Fire Authority. Councilmember Westmoreland seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.***

13. MOTION – Consideration and Appointment of Poll Workers for the 2015 Primary & General Municipal Elections in Eagle Mountain City.

This item was presented by City Recorder Fionnuala Kofoed. In accordance with Utah Code, the City Recorder will present the City Council with a list of recommended individuals to serve as poll workers for the 2015 Primary & General Municipal Elections. [UCA 20A-5-602(1)]

MOTION: *Councilmember Westmoreland moved to approve the appointment of poll workers for the 2015 Primary & General Municipal Elections in Eagle Mountain City. Councilmember Bradley seconded the motion. Those voting yes: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

14. CITY COUNCIL/MAYOR'S BUSINESS – This time is set aside for the City Council's and Mayor's comments on City business.

Councilmember Steinkopf

No comment.

Councilmember Burnham

No comment.

Councilmember Ireland

Councilmember Ireland announced a Youth City Council meeting tomorrow at 5:30 p.m. in the City Council Chambers.

Councilmember Westmoreland

No comment.

Councilmember Bradley

Councilmember Bradley spoke to Daniel Kroll, who made a public comment about a park in SilverLake, and said he would be happy to talk to him and his neighbors further.

Mayor Pengra

No comment.

15. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

16. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

17. ADJOURNMENT

MOTION: *Councilmember Ireland moved to adjourn the meeting at 8:40 p.m. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Ryan Ireland, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*